

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, DECEMBER 20, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH**

PRESENT: Mayor Troy Walker, and Councilmembers Bill Rappleye, Jeff Stenquist, Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; John Eining, Deputy Police Chief; and Bob Wylie, Finance Director

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**Dinner**

**Study Meeting**

**1.0 Presentation: Trans-Jordan Landfill Update**

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1.1 Mark Hooyer, Executive Director, reviewed Draper's statistics for municipal waste contribution as follows:

- Draper is 10.8 percent of total Trans-Jordan Cities population
- 10.8 percent of total municipal waste
  - 17.251 tons per year
- 1.8 pounds of trash per person per day
  - 0.34 tons per year
  - National average = 4.4 pounds per person per day 0.8 tons per year
  - Below the national average due to low glass content
    - 0.01 percent vs. 7 percent nationally
- 11 percent recycling rate
  - 2,100 tons recycles in fiscal year 2016
- 0.4 percent of municipal green waste
  - 45 tons per year of 12,021 tons per year

Mr. Hooyer then briefed the City Council on The Bicycle Collective. The program restores bikes that are taken to the landfill. They are made available to low-income children.

Mr. Hooyer expressed the need for cities to adopt a Debris Management Plan, which would allow them to receive FEMA funding for debris management in case of a disaster. He also reviewed the capacity of the current cell, which will be full in 5.5 years. The remaining landfill life is 10 years. Trans-Jordan has partnered with other agencies to purchase the Bayview Landfill near Elberta, Utah. The total purchase price was \$6,250,000 and Trans-Jordan's share was \$1,562,500. The projected minimum life of the Bayview Landfill is 82 years.

## 2.0 **Presentation: Capital Improvement Projects - Quarterly**

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2.1 Glade Robbins, Public Works Director, presented the quarterly Capital Improvement Projects report as follows:

- Completed Road Construction Projects
  - 1300 East to Highland Drive Right Turn Lane (\$335,000)
  - 300 East Widening – Carlquist to Pioneer (\$3.2 million)
  - 11950 South Lone Peak Business Park Roads (\$800,000)
  - Lone Peak Widening at Riverview Chapel (\$400,000)
  - 1300 East - 13200 South to Pioneer Road (\$4.2 million)
    - Total \$8,935,000
- Completed Pavement Maintenance/Preservation Projects
  - Deer Hollow Reconstruction (\$240,000)
  - Draper Parkway Reconstruction (\$614,000)
  - Bangerter Parkway Repair (\$37,000)
  - 300 East – 13400 South to Carlquist (\$630,000)
    - Total \$1,521,000
- Completed Water Projects
  - Suncrest PRVs (\$370,000)
    - Total \$370,000
- Completed Storm Drain Projects
  - Sunset Pond Restoration Project (\$200,000)
  - Southfork Park and Detention (\$180,000)
  - Draper Parkway Detention Basin with Sandy (\$250,000)
  - Cutler Corn Storm Drain (\$66,000)
  - Mike Weir Storm Drain (\$48,000)
  - Suncrest Regional Detention Basin (\$1.7 million)
    - Total \$2,444,000
- Road Projects in Progress
  - 13200 South – Boulter to Highland (\$1.5 million)
    - Construct Spring/Summer 2017
  - 13800 South Bangerter (\$3.9 million)
    - Construct Spring/Summer 2017
  - Suncrest Drive Rehabilitation (\$5 million)
    - Construct Spring/Summer 2017
  - 12200 South (\$200,000)
    - Construct Spring 2017
  - Upper Corner Canyon Road Connector (\$525,000)
    - Complete Construction Spring 2017
  - Pioneer Road 600 East to 900 East (\$2.54 million)
    - Complete 600 East to Canal Summer 2017
  - Lone Peak Right of Way North of Ikea Way (\$1 million)
    - Complete Winter 2017
  - Lone Peak Parkway 12650 to 12300 South Right of Way (\$778,000)
    - Complete Spring 2017

- Pavement Management/Preservation (\$1.6 million)
  - Complete Summer 2017
- Traverse Ridge Rehabilitation (\$4 million)
  - Complete Summer 2018
    - Total \$21,043,000
- Water Projects in Progress
  - Back Up Generators (\$900,000)
    - Complete Winter 2017
      - Total \$900,000
- Storm Drain Projects in Progress
  - 13800 South Storm Drain (\$1 million)
    - Complete Winter 2017
  - Manilla Drive (\$385,000)
    - Complete Spring 2017
  - Detention Basin Improvements (\$150,000)
    - Complete Summer 2017
  - Lone Peak 12200 South Drainage Improvements (\$650,000)
    - Complete Fall 2017
      - Total \$2,185,000

### **3.0 Council / Manager Reports**

3.1 There were no Council/Manager reports given.

### **Business Meeting**

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#### **1.0 Call to Order: Mayor Troy K. Walker**

#### **2.0 Thought/Prayer and Pledge of Allegiance**

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2.1 The prayer was given by Alfonzo Preciado.

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2.2 Jackson Wooley led the Pledge of Allegiance.

#### **3.0 Recognition: Juan Diego Football Team - State 3A Champions**

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3.1 Mayor Walker recognized the Juan Diego football team as the State 3A champions. Juan Diego has won seven state championships since 2009.

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3.2 Coach Collosimo stated they had a slow start this year and then kicked it in. He expressed that it has been great to see these boys grow.

#### **4.0 Recognition: Juan Diego Girls Soccer Team - State Champions**

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4.1 Mayor Walker recognized the Juan Diego Girls soccer team as the State champions. They have been in the State championship nine times.

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4.2 Coach Chavar thanked the City Council for this recognition. He stated the beginning of the season was hard, but they were able to pick it up.

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#### **5.0 Public Comments**

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

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5.1 Amy Baird, resident, noted she is the chair of the Traverse Ridge Special Service District Administrative Control Board. The City Council recently delayed the reappointment of Blaine Carlton for sixty days. The Board would like to know why they are delaying that action. They are down to four members of the Board, and Mr. Carlton is the Treasurer, so that has put the Board in a bind.

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#### **6.0 Consent Items**

- a. **Approval of December 6, 2016, City Council Meeting Minutes**
- b. **Approval of December 12, 2016, City Council Tour Minutes**
- c. **Approval of December 13, 2016, Special City Council Meeting Minutes**
- d. **Approval of Resolution #16-71, Agreement to Join the Local Public Safety and Firefighter Surviving Spouse Trust Fund**
- e. **Approval of Ordinance #1240, Amending the Storm Water Ordinance**

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6.1 Councilmember Rappleye moved to approve the consent items. Councilmember Vawdrey seconded the motion.

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6.2 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

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**7.0 Public Hearing: Frampton Property Rezone and Land Use Amendment and Development Agreement, On the Request of Bryon Prince, Representing Ivory Development for Approval of a Zoning Map Amendment from the A5 (Agricultural, 5-Acre Lot Minimum) to R4 (Single-Family Residential-10,000/sf Lot Minimum) Zone, a Land Use Map Amendment from Residential Low/Medium Density (0-2 Dwelling Units Per Acre) to Residential Medium Density (2-4 Dwelling Units Per Acre) and a Development Agreement Also Known as the Big Willow Development Agreement all on Roughly 44.01 Acres at Approximately 425 West 11400 South**

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7.1 Jennifer Jastremsky, Planner, displayed an aerial map of the property. The current zone is A5 and the current Land Use Map is Low Density residential. The applicant would like to rezone this to the R4 zone which would allow 4 units per acre with a minimum lot size of 10,000 square feet. The plan would have quarter-acre lots near the FrontRunner tracks, third-acre lots in the center, and half-acre lots near the creek on the west side. The applicant has proposed a development agreement that would cap the overall density to 2.3 dwelling units per acre.

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7.2 David Dobbins reviewed the possible changes to the development agreement that staff is recommending as follows:

- Clarify details of open space improvement, timing, and require bonding and warranty for such improvements
- Clarify impact fee language found in Section 5
- Modify Section 4 to state that the developer will accept and not challenge the City development fees
- Add language to Section 7b stating the City is not liable for cost of pond and right-of-way improvement
- Exhibit C – Remove the reference to “subject to change” from the drawing and the general note on the drawing
- Section 9 and 11 shall clarify that remedies available do not include damages
- Modify the second sentence in Section 3 to state “and” rather than “and/or”.

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7.3 Councilmember Summerhays asked Ms. Jastremsky to explain about them using the City property. Ms. Jastremsky explained the City owns the detention pond off 11400 South. The developer is concerned that he might need to work with the City to work out the road alignment.

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7.4 Councilmember Rappleye stated he understands there will be a five-acre park in this area. He asked how they will site this in the future. Ms. Jastremsky stated the developer can answer that question better than she can.

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7.5 Councilmember Weeks asked whether the Jensen property has an approved development agreement. Ms. Jastremsky responded it does not.

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7.6 Councilmember Stenquist stated it is important to remember that having the trail in the development agreement is not beneficial if it does not connect in somewhere.

Mr. Dobbins explained it is difficult to clarify two separate pieces of property, as well as two separate owners and developers.

Rhett Ogden, Parks and Recreation Director, stated the master plan calls for an area park which will be five to ten acres in this section of the City. Staff met with the developer of the property to the south, who indicated a willingness to participate with the City in putting a park in this subdivision. The park would tie two separate trails together.

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7.7 Councilmember Weeks expressed her preference for having small neighborhood parks. She stated there are not many small parks on the west side of the City, so there was a need for one in this area. She questioned why the City seemed to be moving away from the smaller parks. Ms. Jastremsky stated staff and the developer were guided by what was recommended in the master plan. The current plan recommended a five to ten-acre park and trail way.

Councilmember Weeks was concerned a lot of traffic would eventually go out onto 700 West. She noted 700 West is a narrow road and needs updating in order to handle added traffic flows. She asked if, as per the development agreement, the developer was planning to help build improvements along 700 west. Ms. Jastremsky said the developer would be required to do a traffic impact study with a subdivision application, which would layout any improvements needed. The Engineering Department could address any additional questions on the matter.

Councilmember Weeks asked whether the road going onto 114000 South was a private lane. She wondered whether or not the three residents at the beginning of the lane were going to allow that access to be used. Ms. Jastremsky said the existing private lane services three homes plus the subject property. The developer would be required to work with those property owners to gain those access points as part of the subdivision process. However, at this time they have not worked out an arrangement. If the private lane is used they would need affidavits from those owners granting permission. Councilmember Weeks asked if Big Willow Creek would be required to do a traffic study, to which Ms. Jastremsky answered affirmatively.

Mayor Walker noted this was a rezone application.

Councilmember Weeks asked if the development agreement was tied to the rezone. Ms. Jastremsky said they were doing the rezone as well as a development agreement, which can

include language indicating the need for traffic study. City code also outlines this requirement.

Councilmember Weeks asked about the three acres of open space with the trail, and how they were addressed in the development agreement. Ms. Jastremsky explained the development agreement states the developer will install the improvements which will then be dedicated to the City. As such, the City will maintain the trail and open space once it is deeded over to them.

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7.8 Bryon Prince, applicant, thanked staff for their assistance in guiding Ivory Homes through this year-long process. He also thanked the neighbors who attended the three neighborhood meetings they held. He explained their original vision for the property was an R3 rezone. They have always admired the subdivision on the south side, which is the Sunset at Draper Ridge subdivision. After meeting with staff earlier this year, they decided to put the application on hold in order to meet with the neighbors. The overall response from residents was they wanted to see big lots next to the creek, as well as a buffer of open space. This feedback guided the subdivision design moving forward. Mr. Prince explained the R3 zoning would be about 2.6 lots per acre, which was a low density, single-family home proposal. He said the development would be a great asset to the community. They proposed a smaller park in the middle of the subdivision, as well as open space near the Frontrunner Station and TRAX line. They felt it made sense to have the open space along the trail based on the City's master plan for this area; however, they were open to discussing any of the City's desired alternatives.

Regarding discussions about the private lane in question, Mr. Prince explained the proposed access road off of 11400 South is on property the developer controls; it is not sitting on a private lane. There is approximately 50 to 60 feet of property adjacent to the private lane that is being acquired through the Anderson property where they are proposing the road. They will not be encroaching or taking over the private lane. There may be a triangular sliver of property where they might be encroaching onto the City's property. Mr. Prince said they had a positive meeting with City staff regarding the submission of a joint application to UDOT thus ensuring the use of that public right-of-way.

Councilmember Weeks asked to clarify whether or not the applicant would be utilizing the private lane or providing their own access.

Mr. Prince explained one of the big issues is there can't be both a public right-of-way and a private lane going out onto 11400 South, so the two need to be connected. UDOT controls and owns the property at the entrance of the private lane. The application to UDOT will be a three quarters intersection (right-in, right-out and left-in). He would not change the existing intersection.

Councilmember Summerhays inquired as to the conclusion regarding the double entrance and exit located adjacent to one another. Mr. Prince explained UDOT's property is at the entrance off of 11400 South. The only spot where the public right-of-way and private lane

would meet up would be at the stub of UDOT's property. The three property owners on the lane would not be impacted.

Mr. Prince pointed out the trail installation to which they have committed in the development agreement, and noted the installation would take place in the first phase of construction. Councilmember Weeks asked whether there is anything in the development agreement requiring landscape along the trail. Mr. Prince stated the trail design has been a fluid conversation up to this point; currently, they have only committed to its installation. The cross section of trail would be 12 feet of asphalt and 14 feet at the road base, or whatever mirrors the trail cross section at Galena Park. The applicant has indicated to staff a willingness to engage a land designer for the open space that will eventually be deeded to the City.

Councilmember Weeks asked about a stub road going north towards the Frontrunner Station. She said Canyon School District purchased some land to build a school in the area on the other side of UTA's property. She was concerned with kids running across the street through the Frontrunner station and asked if there had been any discussion regarding their safety, especially when walking to school. Mr. Prince said this was a challenging issue, because it would not likely be feasible to build a bridge in that area. However, he agreed to further research the matter.

Councilmember Summerhays asked whether there is a sidewalk on 11400 South eastbound where the children can walk. He was told there was.

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**7.9 Mayor Walker opened the public hearing.**

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7.10 Bonnie Thom, resident, stated she was involved with the master planning process for this area, which took place nearly 13 years ago. Over time, the area master plan has changed.

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7.11 SueEllen Rifkin, resident, shared several points: (1) the development agreement was not available when the Planning Commission voted, which in her opinion, was a significant reason why they voted to recommend denial. She suggested the item be sent back to the Planning Commission once there was a development agreement in place. (2) Draper City was currently in the process of updating their General Plan, and she did not feel it made sense for them to approve a rezone on a significant piece of land until that process was complete. (3) she was never invited to any neighborhood meetings. She opined that her neighbors would not support half-acre lots along Willow Creek, because it would be limiting for residents wishing to own and maintain large animals. (4) Living next to railroad tracks is not desirable, and she felt it made more sense to allow larger setbacks to create a buffer between homes and the TRAX. (5) the overall density should be changed to two units per acre, and there should be a significantly wider linear park. She stated the Willow Creek banks are very steep, and the homes needed at least a 50-foot setback to avoid erosion. (6) they should not change the detention basin as it was constructed specifically

for the amount of water projected to flow from I-15 onto 11400 South. The developer needs to make sure two roads don't run through the area. (7) Ms. Rifkin had concerns regarding impact fees. (8) Currently, the development agreement does not outline plans for trail access. She suggested a tunnel be built so homes on the east side could easily access the trail system.

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7.12 Theron Jensen, neighboring property owner, expressed concern with the access points from the Frampton property going through the Jensen property.

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7.13 Doug Thomas, resident, expressed support for Ms. Ripkin's comments. He said approval at this time was premature, and he didn't think the area could be legally developed until there were stub roads going both ways. Additionally, Mr. Thomas noted that in a previous meeting there was some discussion regarding a hydrology report, because a portion of the Frampton property has natural springs. This is an important issue for development and roads. He was also concerned about the safety of children crossing the road, particularly while walking to and from school.

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7.14 Shawn Benjamin, resident, spoke about the development that has occurred in recent years with the land on the west side of the subject property. While there have been positive changes, some have been premature. He agreed this rezone decision was premature while General Plan updates were still underway. He agreed with concerns previously stated regarding access points from the Frampton property going through the Jensen property. He said the Galena park development was required to have two accesses with only 48 homes in total. The subject property would have double the home count and half the access points. He questioned whether or not EMS apparatuses would have difficulties accessing the subdivision.

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7.15 Susan Frampton, property owner, said there were few people in the room who had been involved with land development in Draper longer than her. While there has been talk about this being the last large developable parcel in Draper, she asked why similar conversations hadn't taken place during previous development proposals. She said everyone is living on land that was at one point farmland. She asked other residents how many of them would be willing to designate a part of their property for green space only. She concluded it was time to move on, and appreciated the Council's consideration of her proposal.

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7.16 Craig Holt, resident, said there was not enough width in the private lane for the developer to do what they've proposed. While there might be sufficient space towards the south, the lane was narrower on the north end.

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**7.17 Mayor Walker closed the public hearing.**

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7.18 Mr. Prince responded to comments stating the General Plan currently calls for two lots per acre on the subject property. There is no minimum open space requirement. As per the development agreement, they are requesting 2.3 lots per acre as opposed to two lots per acre, in exchange for open space and a trail. In response to Ms. Rifkin's comments, he stated the development agreement was available for review at the Planning Commission meeting. The Commission recommended denial because they voted as if the proposal was an R4 rezone.

They are proposing trail connections on north side of the property, and have discussed adding a connection on the far west side through a cul-de-sac. Mr. Prince stated they are working with the Jensen's developer, and will be coordinating with the same engineering firm in an effort to align both subdivisions. Both parties have proposed to build connecting roads in the first phase. He noted if they only have one access point, then they will only be able to build a maximum of 30 lots.

In regards to discussions on the water table and hydrology report, Mr. Prince said he submitted an ALTA survey and geotechnical report. He said any water table issues were less of a zoning question, and was rather more related to the subdivision design and engineering plan. He stated the report found there were no issues with a water table on this site.

Councilmember Stenquist questioned how the existing sewer line will dictate the road lines. Mr. Prince explained the road in the subdivision was placed according to the existing sewer line running through the subject property.

Councilmember Summerhays asked about the lane width going onto 11400 South. Mr. Prince said the property was under contract and explained the proposed public road was not on top of the private lane. Rather, it would run alongside it. When UDOT came through and acquired 11400 South, they carved out a parcel which comes in on the private lane in question. Therefore, UDOT could approve that public road and connect straight into their property and not impact that private lane. The width of the lane varies from 48 to 64 feet.

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**7.19 Councilmember Rappleye moved to continue this item to a date uncertain. Councilmember Weeks seconded the motion.**

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7.20 Councilmember Stenquist reviewed the procedures by which a decision is made in the City, and stated right now they are still at the zoning level on this proposal. He discussed the role a development agreement has in the planning process.

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7.21 Councilmember Rappleye agreed with Councilmember Stenquist's comments. He stated, however, these circumstances were slightly different because there was already a

development agreement. Hopefully by continuing this item the developer will have time to resolve some of the concerns that have been raised tonight.

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7.22 Councilmember Summerhays agreed with Councilmembers Rappleye and Stenquist.

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7.23 **A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

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8.0 **Public Hearing: Virga Zone Change, Request for Approval of a Zone Change from RA1 to RA2 on 0.60 Acre Located at 838 East 13800 South**

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8.1 Dennis Workman, Planner, presented the staff report as well as aerial images of the subject property. He explained the purpose of the rezone request is not to subdivide property, but rather to accommodate an accessory dwelling unit (ADU). The land use plan designates the property as low density residential, which has a density range of zero to two units per acre, and both RA1 and RA2 are within the appropriate density range. The parcel is currently non-conforming in size in the RA1 zone, and an ADU cannot be approved unless the minimum lot area in the zone is satisfied. In this case, the requirement would be satisfied by a rezone to RA2. Staff recommended approval.

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8.2 Councilmember Rappleye inquired on the approval process for ADUs, to which Mr. Workman noted they can be approved on the staff level. However, staff cannot issue building permits for ADUs as long as the subject property is non-conforming in size with regards to its current zone. He also noted ADUs cannot have separate metering.

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8.3 Councilmember Summerhays questioned whether the units have to be connected in some way to be allowed. Mr. Workman indicated that is no longer required.

Councilmember Summerhays asked if the rezone would technically allow the property owner to put another home on the property. Mr. Workman stated there were specific limitations as to what can be done with an ADU, namely it cannot exceed 50% of the primary unit. All of the restrictions were outlined in the City's code, and staff would review and approve the ADU proposal based on that criteria.

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8.4 Councilmember Rappleye asked if the ADU had to be a permanent structure. Mr. Workman answered affirmatively.

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8.5 Jay Virga, applicant, stated the ADU was about 1,050 square feet. He noted it would be a garage with living quarters on the upper level.

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8.6 **Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.**

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8.7 **Councilmember Vawdrey moved to approve the Virga zone change. Councilmember Summerhays seconded the motion.**

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8.9 **A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

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9.0 **Public Hearing: Freeway Frontage Sign Zone Text Amendment, On the Request of Rick Magness Representing Maverik, Inc. for Approval of a Text Amendment to Allow a New Signage Freeway Frontage Zone that Would Allow Greater Signage Height and Square Footage than is Currently Allowed**

[8:24:09 PM](#)

9.1 Dan Boles, Planner, stated this application was for a text amendment and would affect anyone in the area in question. Currently the text states that there needs to be at least three acres and 400 feet of frontage for freeway signs. He presented examples of different signs, and explained there were two different zones (Zones A and B) which allowed different types of signs. In Zone A signs could be 40 feet tall, whereas in Zone B they could have a maximum height of 30 feet. Each zone also has different criteria in terms of the square footage of the sign and lettering. The applicant is proposing a new zone be created – Zone C – which would allow a maximum height of 70 foot, and a maximum size of 300 square feet. Mr. Boles identified which areas would be affected if Zone C was created, as well as where the Maverik store is located. Staff was concerned with the idea of introducing a new zone with a fairly large sign. The Commission recommended approval on a 3-to-2 vote for the proposed text amendment. However, staff’s initial recommendation was a negative one.

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9.2 Councilmember Summerhays asked Mr. Boles if he had any concerns with the proposal, and asked if the increased height and size limitations were needed due to visibility issues. Mr. Boles said if the Council approved this proposal, the area affected would be contained. Staff’s biggest concern was opening the door on other similar proposals. He noted the corridor where the larger signs would be allowed would run from Marion Vista Drive to the north end of Highland Drive to a portion of property currently owned by the State.

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9.3 Councilmember Stenquist asked if there would be other parcels of property where other retail could potentially be developed within the new zone. Mr. Boles said there was only one other area where potential retail development could occur, which he then identified. The property in question was eight acres in size, so it'd be a relatively small development.

Councilmember Summerhays mentioned the Westbrook property as a potential development area.

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9.4 Mr. Dobbins noted the City Council could limit the proposed Zone C to the west side of the subject property. He then asked Mr. Boles to explain the reason for the applicant's request. Mr. Boles stated the applicant faced some topography issues which created visibility issues for their business.

Councilmember Weeks stated I-15 was quite a bit higher than this particular Maverik location. While it is a good location for a gas station, it receives less business because people don't know it is there. Mr. Boles noted the applicant left some graphics in the Council packet. During one test, they used crane to lift a sign 40 feet (currently allowed) and the visibility was limited.

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9.5 Councilmember Rappleye expressed frustration that the City did not address the grading issues when they initially went through the development process for this Maverik gas station in the first place. The off-ramp essentially drives down into a tunnel. He was frustrated the thought never occurred to anyone that the visibility would suffer as a result of the gully created when the station was built. He thinks the new zone is appropriate, he wishes it would have been addressed sooner.

Councilmember Summerhays asked clarifying questions regarding Councilmember Rappleye's previous statements.

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9.6 Tom Welch, Maverik, expressed appreciation to the City staff. He stated they felt this proposal would benefit the City in that it would attract more drivers and tax dollars.

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9.7 Councilmember Summerhays noted there was significant space behind the store which was used for large trucks. He asked Mr. Welch if they found this space to be valuable. Mr. Welch said it was expensive and he hoped there would be a need and interest for it. He said they hope a larger sign would also attract truck drivers off the freeway.

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**9.8 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.**

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**9.9 Councilmember Rappleye moved to approve the Freeway Frontage Sign Zone text amendment. Councilmember Summerhays seconded the motion.**

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9.10 Councilmember Rappleye reiterated his previous remarks and added he hoped the text amendment would help this Maverik location.

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9.11 Councilmember Stenquist made additional comments regarding the current visibility issues which exist on the subject property.

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**9.12 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

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**10.0 Action Item: Resolution #16-76, Declaring Portions of Parcels 11:009:0048 and 11:008:0004 Located at Approximately 2300 East Suncrest Drive as Surplus and Authorizing the Sale of the Same**

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10.1 David Dobbins presented aerial maps showing the aforementioned parcels. Corner Canyon (1,027 acres) is owned by Draper, and is currently under a conservation easement held by Salt Lake County. The City was recently part of a lawsuit regarding the Little Valley property (142 acres), which was settled with the help of Salt Lake County. Little Valley is also under a conservation easement held by Salt Lake County. Mr. Dobbins identified other surrounding City-owned properties, comprising 1,287 acres. The map he presented was a general depiction of property owned by Draper City and was not meant to be used to determine any legal boundaries of property ownership. Most of the “other” City property came from developers who gave it to the City in order to maintain a certain density in nearby developments. The SunCrest property was then identified (2,315 acres), and the total acreage represented on map was 4,771 acres. He presented the SunCrest build-out plan which was put into place in 2012. The rest of his presentation was reviewed as follows:

**The property acquisition timeline:**

- Corner Canyon: 2005
  - \$13,090,000 Draper City Bond
  - \$500,000 Salt Lake County
  - \$500,000 Quality Growth Commission
- Little Valley: 2009
  - \$2,750,000 from Salt Lake County
- Other City Property: 2005
  - (Deeded by developer – no cost to taxpayers)
- SunCrest Property: 2012

- \$5,600,000 Purchase price
- \$4,915,000 Bond

**Bond Information: (See bond documents for exact payment information)**

- Corner Canyon
  - Principal: \$13,090,000
  - Interest: \$6,786,984
  - Total: \$19,876,984
- SunCrest Bond: \$4,915,000 (purchase price of \$5.6 million was offset through bond restructuring)
  - Principal: \$4,915,000
  - Interest: \$3,786,843
  - Total: \$8,701,843
- Total Property Acquisition Cost: \$28,578,827

**SunCrest Bond Payment:**

- \$5.6 million purchase price
- Sales tax revenue bond: \$4,915,000
- Interest only payment 2012 –2024 (\$231,550)
- Total Interest Payment:\$3,786,843
- Escalating Principal Payment 2025 –2032
  - 2025:\$525,000
  - 2026:\$545,000
  - 2027:\$570,000
  - 2028:\$600,000
  - 2029:\$620,000
  - 2030:\$650,000
  - 2031:\$685,000
  - 2032:\$720,000
- Total Principal: \$4,915,000
- Total Principal & Interest Payments: \$8,701,843

**SunCrest Development Agreement:**

- Under the current SunCrest development agreement there are over 2,400 homes allowed to be built in the SunCrest development. No legal designation of open space has been applied to any of the property purchased from Zions Bank.
- Density under the development agreement is set at an “average” of 1.03 units per acre.
- If property is sold for development, density and lot size could be restricted by the City when sold.
- This property is within the TRSSD boundaries.

**What is the plan if the property is deemed surplus and sold?**

- Funds could be used for trails, trailheads or other improvements to SunCrest property, the existing bond debt could be reduced or additional property

could be acquired. Bond obligations will be complied with under any scenario.

- City Council can condition the sale of the property.
  - Sales price
  - Number of units
  - Size of lots
  - Trail connections
- City Council can move forward with designation of open space with a conservation easement.

**Zions Bank property purchase:**

- The City paid \$5,600,000 for 2400 acres in 2012 from the SunCrest developer (Zions Bank) and stepped into the role of the developer. The SunCrest development agreement is still legally binding.
- There were no restrictions placed on the City's use of the property by Zions Bank.
- Zions Bank was ready to sell the development to a developer if the City did not make the purchase.
- Purchase offer was an "all-or-nothing" offer. The City did not want to purchase it all due to the cost, but proceeded anyways to try and save as much property from development as possible.
- Intent at the time of purchase was to sell off some areas for development to offset associated costs, but retain the majority of the property and designate it as open space protected by a conservation easement.
- Sales tax revenue bonds were used to pay for the purchase of the property.

With regards to partnerships, the Utah County Commissioners, neighboring cities and private donors have expressed support. The potential partners recognize this property would not only serve Draper City residents, but residents throughout the State as well. Mr. Dobbins reminded the Council of privately-owned property in surrounding areas which could still be developed.

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10.2 Councilmember Summerhays asked if a significant amount of buildable lots were taken off the market when the City acquired the aforementioned properties. Mr. Dobbins explained the SunCrest development itself was 3,880 acres, and about 1,400 units have been built. However, there is still entitlement to build the other lots as per the development agreement. He stated there has been a lot of controversy and discussion surrounding the use of the property, i.e., whether or not to leave it as open space, or sell off certain areas.

[8:51:23 PM](#)

10.3 Mayor Walker noted that he, Councilmember Stenquist, Councilmember Summerhays, and Councilmember Rappleye were all on the Council together when this purchase was made. They were supportive of moving forward on this purchase. It was not an easy decision because they lacked the funds at the time, but they felt they couldn't pass up the opportunity. Mayor Walker said there was never a time in his mind when they hadn't

identified parcels to sell in order to recover the money. They would not have moved forward on the purchase had they not believed they could recover that bond payment at some point in time. He said normally they would have taken this decision to the voters, but they didn't have the ability to do so in order to make the purchase in a timely manner.

Mayor Walker explained one of the great accomplishments of having purchased the property is they believe as much as 90 percent of the land can be placed in a conservation easement, thus protecting the land for recreational use and open space. One of the issues they faced was finding an open space easement holder. Finding the right holder can be difficult because as a City they still want the ability to use the land for trails and recreational use. Draper City has had a great partnership with Salt Lake County. Mayor Walker explained he took initiative by meeting with Salt Lake County Mayor, Ben McAdams, to discuss an agreement in which Salt Lake County would put the remaining property into a conservation easement. He subsequently met with the City's administrative staff to discuss the process for moving forward on this type of agreement. One issue Salt Lake County has with the proposal is the majority of the subject property lies within another County. However, the impression Mayor Walker received from Mayor McAdams was that Salt Lake County would still be amenable to entering into some sort of agreement with the City.

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**10.4 Councilmember Stenquist moved to continue this item to allow the City to put the proposed open space in SunCrest into a conservation easement with Salt Lake County.**

Mr. Dobbins asked if the motion included what portion of the 3,600 acres would be determined to be part of the conservation easement, and what portion of land would be excluded from the easement. Councilmember Stenquist answered affirmatively, and said as they go through the conservation easement they will also review all of the remaining open space within the City.

Mayor Walker clarified Councilmember Stenquist's motion was to continue the action of surplusing the subject property until the City can determine the boundaries of the conservation easement.

**Councilmember Vawdrey seconded the motion.**

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**10.5 Councilmember Weeks wanted to ensure this action would not forfeit the Council's ability to discuss other issues relating to this matter. Mayor Walker noted they would still have an opportunity to discuss details, such as road width, later. The City needs to determine the boundaries of the easement.**

Councilmember Weeks felt Councilmember Stenquist's motion was rational. She said she would also like to try and work with Utah County. Utah County Commissioner-Elect, Nathan Ivy, will take office in January and has expressed interest in protecting the subject property. She noted she had several other questions that still needed to be answered, in

addition to the many questions raised during the public comment period two weeks ago. She was in favor of a conservation easement.

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10.6 Councilmember Summerhays was interested in negotiating the terms of the easement, such as where to put in the trail, bathroom facilities, etc. He agreed with Mayor Walker and thought they would be able to work with Salt Lake County in drafting an agreement that would be mutually beneficial. He stated 6.5 percent of the property they originally purchased would be surplus for sale. He said this was a small sale which would greatly impact the City's ability to pay off the bond. He was supportive of Councilmember Stenquist's motion.

[9:01:42 PM](#)

10.7 Councilmember Rappleye stated Draper City has had a long standing relationship with Mayor McAdams. He expressed appreciation to Mayor Walker for making these negotiations, and he was optimistic of the City's ability to draft an agreement with Salt Lake County.

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10.8 Councilmember Vawdrey stated the City has an obligation to fulfill the original intent of this purchase. The original intent of the purchase was to sell some of the property to pay down the bond and put a conservation easement on the remainder of the land. She said she is grateful Mayor Walker has developed partnerships which will allow the City to move in this particular direction. Councilmember Vawdrey expressed dismay by the amount of false information which has circulated via social media. She quoted several comments made on the "Save the Hollows" Facebook group. She stressed the importance of paying off the bond early so the City doesn't end up having to pay the interest.

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10.9 Councilmember Stenquist expressed appreciation to Mayor Walker who has made the option of working with Salt Lake County available to them as a City. He expressed it was disheartening for the Council's intentions to be called into question when they have championed trails and open space. He echoed previous remarks made by Mayor Walker and Councilmember Vawdrey.

[9:08:58 PM](#)

10.10 Mr. Dobbins mentioned if people wanted to fundraise on behalf of this project that was also an available option.

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10.11 Mayor Walker stated there has been a significant amount of misinformation floating around, and he made reference specifically to the "Save the Hollows" Facebook group. He said the Council has been just as passionate about this subject as anyone else, as they have sought to preserve, improve and make the canyon more usable. The Parks and Trails Committee are comprised of outstanding volunteers who have overseen numerous projects, including the construction of a \$120,000 trail that was built on Draper's side of the canyon

during this year. He said there is no other City in the country that has done what Draper City has done. Most of the properties in Moab or Park City are BLM properties. Draper owns this property and if they can't figure out a way to pay back the bond, they will pay through a major tax increase. After all is said and done, they would still be preserving nearly 90 percent of all this property in perpetuity for open space.

He thanked the Council for their vision, and he felt this was a legacy they were preserving for the future. He stated that if the sale of the 110 acres goes through based on the current offer, the City will pay the bond off and be debt free on this property. A road would also go through the property, as it is part of the sale of the 110 acres. Mayor Walker explained the City has a deadline on the contract. He made mention of a square centerpiece of the property which is commercially zoned. The parcel in question is not a part of SunCrest and has been zoned commercially for a number of years. He also noted the Alpine Joint Ventures property (300 acres) will be developed, as it is owned by a private property owner.

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10.12 Councilmember Summerhays said it has taken five years to initiate this contract, and the City only has seven more years to pay off the bond. It's time they move forward.

[9:14:59 PM](#)

**10.13 A roll call vote was taken with Councilmembers Rapple, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

[9:15:13 PM](#)

**11.0 Action Item: Approval of Development Agreement with Lone Peak Biotech**

[9:15:37 PM](#)

11.1 Mr. Dobbins presented the staff report and all requirements outlined in the development agreement have been met. He presented an aerial map of subject property and noted there is an existing road on the east side of Lone Peak. In order to facilitate this development, the developer will build a new road to calm traffic on 12200 South. The City will pay for the storm drain line that will flow to a detention basin on the southwest corner of the subject property. The majority of that water will be public water, and as such \$650,000 has already been approved to pay for the pipe. They will realign the existing road on the east side, the budget for which has also been approved. The funds will come from transportation impact fees. The developer will deed property to the City for the widening of Lone Peak Parkway at no cost to the City. The City will then build the improvements. Staff is estimating the costs of those improvements to be roughly around \$450,000, which will be subject to funding availability. He mentioned there is money within the Redevelopment Agency (RDA), and suggested splitting the funds between the RDA and transportation impact fees (\$225,000 per fund). Mr. Dobbins estimated there is currently around \$900,000 available in the RDA fund. One of the primary purposes of RDA money is to facilitate economic development.

[9:20:17 PM](#)

11.2 Councilmember Weeks asked if the funds for the storm drain and road realignment projects had already been approved and allocated for those purposes. Mr. Dobbins answered in the affirmative.

[9:21:06 PM](#)

**11.3 Councilmember Weeks moved to approve the development agreement with Lone Peak Biotech. Councilmember Summerhays seconded the motion.**

[9:21:38 PM](#)

**11.4 As per Mr. Dobbins's request, Councilmember Weeks amended her motion to include that staff will work with the developer to finalize the terms of the development agreement. Councilmember Summerhays seconded the amended motion.**

[9:22:28 PM](#)

**11.5 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

[9:22:48 PM](#)

**12.0 Action Item: Appointing Mayor Pro Tem for 2017**

[9:22:48 PM](#)

**12.1 Councilmember Stenquist moved to appoint Councilmember Rappleye as the Mayor Pro Tem for 2017. Councilmember Vawdrey seconded the motion.**

[9:23:22 PM](#)

12.2 Councilmember Weeks asked if there was a rotation for Mayor Pro Tem appointments. Councilmember Summerhays answered affirmatively, noting that the anticipated rotation would be Councilmember Vawdrey, Councilmember Summerhays and Councilmember Weeks in forthcoming years. Councilmember Stenquist said there weren't any specific guidelines. Councilmember Summerhays stated they tried to be fair when making appointments.

[9:25:18 PM](#)

**12.3 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

[9:25:44 PM](#)

**13.0 Discussion: City Council Code of Conduct**

[9:26:00 PM](#)

13.1 Mayor Walker explained he put this item on the agenda to discuss the Councilmember duties and responsibilities and ways the Councilmembers interact with the staff. It specifically relates to the involvement Councilmember Weeks had with respect to Code Enforcement actions brought against one of the residents. Originally it was brought up that Councilmember Weeks had some concerns about a specific home on Pioneer Road that had

a Code issue. It came up in a Council/Manager report, and he thinks she took the initiative to have the Code Enforcement staff go out there. It was his understanding that Councilmember Weeks also went to the site with Code Enforcement and the police. As the case went along and progressed, charges were filed and it moved on to the courts. His problem, and the reason he wanted to have this public discussion, is because for Councilmembers to get involved or specifically direct in anyway a prosecution of a crime in the City Code significantly damages the separation of powers they have in the government. It is certainly not in their elected duties to get involved or give direction to the prosecution of any crime. He knows it may have been done unintentionally or without understanding; nonetheless, the issue is significant that the prosecutor felt pressure by Councilmember Weeks to take action regarding this matter. At one point, Councilmember Weeks wanted to speak with the prosecutor and Mayor Walker told her not to communicate with him, but she did it anyway. This is something near and dear to his heart because he practices law, and he practices on the side of defense. He thinks it is imperative that the public understand that this group of Councilmembers did not, in any way, direct this action, and any involvement that Councilmember Weeks had was her own choice. He does not want the public to feel like the Council involves themselves in the prosecution of crimes. It is important that the prosecutor, who is a contract prosecutor in this particular case, has his own autonomy to do the job the City has hired him to do. This discussion is important because when they have Councilmembers that talk to staff members or involve themselves in staff member's jobs, it is difficult for the staff to sometimes separate whether this person is just talking to them or if they want information. Most staff members will feel that any Councilmember interjecting themselves in any part of their job is a Councilmember trying to direct them. Unfortunately, as elected officials, they are just residents. Councilmember Weeks's involvement in the case is problematic in many ways. Primarily because it undermines the credibility of the process. He can tell them that Justice Courts are in question all of the time for this very type of conduct. It would certainly be at the policy level but personal involvement creates a significant problem. He said he is not sure what the outcome of this case has been; however, it troubles him that there is a defendant and this is a Class B misdemeanor. There is a possibility they can be incarcerated, and he certainly does not want to be known as anyone directing the prosecution or being involved in such that the public thinks they have picked on a person. The policy should be that if the Council has an issue, it goes to the City Manager who is the boss that the staff members work for. It certainly should not be the Council interjecting themselves in any way in the criminal process.

[9:29:57 PM](#)

13.2 Councilmember Stenquist asked whether that puts the City at legal risk. He asked the City Attorney to address that.

Mike Barker, City Attorney, stated that is a good question. He said he does not think he has ever seen a case where liability would occur as a result of something like this. There could be a possible cause of action such as a malicious prosecution type lawsuit, but that would require quite egregious conduct. From his perspective, he would echo what the Mayor said in terms of public perception of justice courts. He acted as a prosecutor for ten years, and he is well aware that defense attorneys feel that justice courts are set up to be money makers

for cities, and they run roughshod over peoples' rights. It is important that the separation be there for the public perception. The court is a separate branch of government in terms of having that independence to make decisions prosecutors exercising discretion, and the public has confidence that the process is working and the courts are set up to do justice not to be revenue generators for cities. More than any legal liability, his biggest concern is that the public have confidence in the courts and the process.

[9:32:00 PM](#)

13.3 Councilmember Summerhays asked for clarification that if he had a question for the prosecutor, he would go to Mayor Walker or Mr. Dobbins for an answer, and they could ask the prosecutor. He gave an example of someone who had their dog off leash, and he wanted them cited and given community service. He asked whether he would speak with Mr. Dobbins and have him talk to the judge, or would the Council even mess with that at all. Mr. Dobbins explained he would like the Council to speak with himself or Mr. Barker; however, they would never go to the judge. The judge needs to maintain his independence. It is best that the Council does not get involved with the prosecutor or the judge. If the Council wanted to know the status of the case, it would be better to go to him, and he will try to get the answers.

Mr. Barker noted he and Mr. Dobbins meet with the prosecutor monthly to go over policy issues to make sure they are handling policy things such as charges being filed in a timely manner, returning phone calls in a timely, and availability to contact the prosecutor.

Mr. Dobbins noted in the past he has encouraged open communication with all of the staff. It might be a good time to reiterate what that proper communication really is. It can sometimes be confusing for staff members, especially if they are not part of the management team, when a Councilmember asks them question. Sometimes it might be unintentionally construed that the Councilmember wants something to happen or they are interested in something. It might be a good time to talk about this and make sure staff understands procedures.

[9:37:28 PM](#)

13.4 Councilmember Weeks stated she had a lot of residents contact her about the home off of Relation Street. It was not in Code. She contacted Code Enforcement and found that this home had not been in compliance with the Code for two and one half years. The Code Enforcement Officer had submitted the case to the prosecutor before, and nothing was done according to the records.

Mr. Dobbins cautioned that this is still an active case, so he asked Councilmember Weeks not to be specific with her comments.

Councilmember Weeks continued and agreed that this is still an active case. She stated it went to the judge, and he decided this individual would be fined and the home needed to be cleaned up within thirty days. After forty-five days, she asked staff specifically where it was in the process. She did not know the prosecutors number on her own. The staff gave

her the prosecutor's number and told her to ask him where this case was in the process. At the time she spoke with the prosecutor, he stated that he had not received enough information from the City in order to do the due process. She felt there was some kind of miscommunication because the individuals she spoke with at the City said the prosecutor had the information. At that time, she notified Mr. Dobbins about everything she had said to the prosecutor. She notified Mayor Walker at that time that she had spoken with the prosecutor, and that is when she was advised not to speak to the prosecutor again. At that time she received an email from the prosecutor asking her to go and inspect the property. At that time she wrote the prosecutor back and included Mayor Walker on the email that specifically said that she believed that David Bernal, the Health Department, Animal Control, and the City should be the experts on the issue of this property to see if the home had come into compliance according to what the Court had ordered. She said she did not need to attend the inspection, but she believes that the property authorities would be able to see if the home was or was not in compliance. The only thing she may have done was to follow some ill advice to ask the prosecutor where it was in the case and the due process. She has since learned that this is not possible, but she was ill advised. She noted she did not contact the prosecutor after Mayor Walker asked her not to contact him.

Mayor Walker stated Councilmember Weeks illustrated the point quite clearly that her involvement was significant. Councilmember Weeks questioned how her involvement was significant other than her follow up. Mayor Walker noted she was involved in the whole case. Councilmember Weeks again questioned how her involvement was significant other than asking the prosecutor where it was in the due process.

Mayor Walker explained the first comment was the house was out of Code. It is not up to her to decide if it is out of Code or not. Councilmember Weeks stated the judge had decided that.

Mayor Walker said someone went to a Councilmember and tells them the house is out of Code for two plus years. Councilmember Weeks brought it to the Council and said it is out of Code. It is not the Council's job to determine that. Councilmember Weeks clarified that the Code Enforcement Officer told her it was out of Code. Mayor Walker indicated at that point she should start Code Enforcement action. Councilmember Weeks involvement in the case was her going out to the house and deciding it needs to be prosecuted. He asked how she knew. Councilmember Weeks said she had spoken with Code Enforcement about whether the house was in or out of Code. Mayor Walker stated it is not her job to speak with Code Enforcement about this. Councilmember Weeks asked why it is not her job, when a resident asks her about concerns with a home, why it is not her job to follow up with what the resident's concerns were so she would have enough information to write the resident back. She expressed her belief that she has a responsibility to address a resident's concerns. Mayor Walker noted that she does not in this particular case. The Code Enforcement Officer is the one tasked by the Code to enforce the Code, not the City Council. It is not their job. They do not get to pick who gets their cases enforced. This is not Hazzard County, and they do not get to say they want to pick on a specific person because this resident said this. Councilmember Weeks clarified that she is not going to ask them to pick on a person. Mayor Walker stated she did specifically pick on this lady who

got prosecuted because of Councilmember Weeks. Councilmember Weeks said the lady did not get prosecuted because of her. She got prosecuted because she did not comply with the Code. Mayor Walker stated she was out of Code for two years, and it was not until Councilmember Weeks got involved that this lady got prosecuted. Councilmember Weeks stated yes, she was out of Code for two years. Mayor Walker said it was because Councilmember Weeks put pressure on the Code Enforcement Officer and the prosecutor to prosecute. Councilmember Weeks clarified she did not put any pressure on the prosecutor. She never even contacted the prosecutor before it went to court at all. Mayor Walker stated she never should have contacted him after it went to court because the prosecutor emailed Councilmember Weeks and invited her to come out to the site to investigate and assist. Councilmember Weeks said she denied his request. Mayor Walker stated the point is that if the prosecutor thinks he needs to invite Councilmember Weeks to the scene with the judge, he is being pressured by her. That is about as good of evidence as there is. The prosecutor did not send an email to any of the other Councilmembers. Councilmember Weeks noted she is not responsible for what the prosecutor does. She is not responsible if he chooses to talk to her or not. She is not sure who was talked to before. She just knows that he sent her an email, and she denied it. She was clear in her action. She was clear in drawing a line in the sand where she thought it was appropriate. She said she was not interested in this or in influencing the court at all. That is what she said in the email, and that is what she said to Mayor Walker.

Mayor Walker stated he thinks the record is pretty clear. He thinks the point going forward is that it is not any job of any Councilmember to go out and direct staff on how to do their job. They work for the City Manager. The Council can get information, they can talk to staff, but staff feels pressure when Councilmembers go out and talk with them. They feel like they are speaking for the entire Council. Mayor Walker said he wants the public to know that primarily this discussion is as much for the staff as it is the Council. He wants the staff to know that they do not work for the individual Councilmembers. They work for the City Manager. The only time the City Council is the boss is when it involves taking a vote.

Councilmember Weeks clarified that she was advised by the staff to contact the prosecutor. Mayor Walker indicated she cannot blame this on the staff. This is something that she did. Councilmember Weeks said she would take responsibility for contacting the individual to ask where it was in the process, but she was advised to do that. Mayor Walker noted he advised her clearly to not contact him. Councilmember Weeks stated she did not contact him after that. Mayor Walker noted she did contact him after that, which is how he knew. Councilmember Weeks reiterated that she did not contact the prosecutor after Mayor Walker advised her not to. Mayor Walker stated they can disagree. It is his position that she contacted him after he told her not to. In addition, Councilmember Weeks can do whatever she wants. He just wants the public to know that this Council is not directing the prosecution of residents. If Councilmember Weeks does something on her own, that is her business. He just does not want the public to think the Council is picking out their enemies, their political friends, or whatever it is, to go code enforcement on people. That is typically what justice courts get accused of by members of the defense. It is important to him. It is not the Council's job to get involved. Councilmember Weeks may not have meant to do it,

but it did happen, and it was inappropriate. He wants the public to understand there is a separation of powers to be clear. It is important, and it matters to him.

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13.5 Councilmember Stenquist agreed that it is important for the Council to understand that their role is to make policy. They pass the legislation, but they do not enforce the law. That is a very clear line they need to make sure they do not cross. In addition, he has concerns about making sure each of the Councilmembers are given training. There is a lot to learn and to understand what their roles are and job is and how to be more effective in their role. They receive training and instruction about their proper role. In addition to that, it would be good for the Council to put some policies in place. He said he may have been the only current Councilmember in place when Draper City passed an ethics ordinance. There is a State law that specifies certain codes of conduct that the Councilmembers should abide by. Draper went above and beyond that by adding some additional policies as well as some guidelines as to how this should be investigated and what could be done about infractions of that policy. He asked that the Council to direct staff to bring that back with some applications that specify what the Council interactions with staff and the justice court should be so it is very clear. He also thinks it is important at this time that they have some guidelines and policies as to the conduct of Councilmembers with regards to City staff, appropriate interaction, if there are claims or accusation of inappropriate actions, how those accusations would be investigated. He knows that it puts a staff member in a difficult position when there are accusations of misconduct. If there is a clear policy in place, if there are any accusations, there are no questions of how to move forward in a transparent way. He feels it is necessary to spell it out clearly what the Council conduct should be concerning staff. He has some ideas of what he would like included in that and is happy to pass those along. This can be brought back to the Council for discussion.

[9:50:55 PM](#)

13.4 Councilmember Rappleye stated that a lot of the issues do deal with enforcement. For example, the Council will go to Mr. Dobbins to see why staff is not picking up signs. If the Council is discussing someone's performance, they do that in a closed session. The Council can bring concerns to Mr. Dobbins and ask if it reaches that level. He asked whether that is how this should be handled.

Mr. Dobbins explained if it is not a position that is appointed by the City Council, the employees have certain rights and due process for any kind of disciplinary action. The Department Director of that department would handle it, and it would just depend on each situation.

[9:52:44 PM](#)

13.5 Councilmember Summerhays asked whether the City Council is going to get together on this and hash it out.

Mayor Walker noted the issue he was most concerned about is this prosecution issue, and the case is still on going. They can have more discussion about interacting with City staff and who they work for. He does not necessarily agree with Councilmember Stenquist that

they need to come up with an investigatory process. They are elected officials, and they stand for investigation every time they run for election. The public gets a chance to decide what they think of them. He thinks it is important to note that when they speak as a Councilmember to staff or someone in another city, the person most often thinks the Councilmember is speaking for the entire City. Policy wise, it is important to keep that view. In this Code Enforcement case, having a proper policy in place would let staff know they should just do their job. He wants the public to have confidence in the court system and in the staff. It is fine for the Council to get information and talk to staff, but he does not want staff to think that they work for any of the Councilmembers. They work for Mr. Dobbins. That is the form of government Draper has.

[9:55:49 PM](#)

13.6 Councilmember Weeks asked for clarification that this does not take away her ability to talk to staff about things that will be on the agenda. Mayor Walker responded that does not take that away. Councilmember Weeks stated it is very important for her to speak with staff about what is going to be on the agenda and also about what the residents are asking her about such as roads, etc. She needs the ability to speak with staff about roads and what is going to be on the agenda because it is pertinent to the residents of Draper. Mayor Walker stated communication is what they want, and he has absolutely no problem with that. In this particular case, it turned into a criminal case, which was his issue. It is different than speaking with staff about the constituents wanting a sidewalk. It is just a different world. He understands he is closer to it because of his practice. He expects that the Councilmembers will talk to staff, he just wants staff to know that they can provide information but they should not feel they are being directed. Any rules that are made are made in the public.

[9:57:06 PM](#)

13.7 Councilmember Weeks stated if they are going down what Councilmember Stenquist is suggesting about the Council Code of Conduct, she would also like to look at voluntary drug testing. She knows cities throughout the state have done that. If they are asking the employees to do drug testing, voluntary drug testing of the Councilmembers is also something they should require. Mayor Walker noted he would be 100 percent opposed to that. Unless he is charged with a crime and ordered by a judge to do that, he will not do that. That is his constitutional right. He is not for this in any way, shape, or form. Nor is he for being investigated by his fellow Councilmembers. He does not agree with Councilmember Stenquist on that. It would have to be by court order to get him to do a drug test.

[9:58:11 PM](#)

13.8 Councilmember Summerhays asked whether Mr. Dobbins can give the Council an overview of their job, the Mayor's job, and what Mr. Dobbins's job is. Mayor Walker stated they could put together a cheat sheet of what is allowed.

[9:59:44 PM](#)

**14.0 Adjourn to a Closed-Door Meeting to Discuss Property Acquisition, Litigation, and/or the Character, Professional Competence, or Physical or Mental Health of an Individual**

[9:59:54 PM](#)

**14.1 Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss potential litigation. Councilmember Rappleye seconded the motion.**

[10:00:15 PM](#)

**14.2 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

14.3 The meeting adjourned at 10:00 p.m.